

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRANSATLANTIC AUTO GROUP, INC., :
Et al., :

Plaintiff, :

-against- :

UNITRANS-PRA CO., et al., :

Defendants. :

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DORA L. IRIZARRY, U.S. District Judge:

SUMMARY ORDER ADOPTING
REPORT AND RECOMMENDATION
08-CV-5070 (DLI) (CLP)

On September 9, 2011, the Honorable Cheryl L. Pollak, U.S.M.J., issued a Report and Recommendation (“R & R”) ¹ regarding two motions for entry of default judgment by defendants and third party plaintiffs Unitrans-PRA Co., FT&T Consulting, Inc., Vladimir Lysogorsky, Igor Cherkassky, Simon Kaganov, and Viktoriya Farber (collectively, the “Unitrans defendants”), as well as one letter seeking default judgment by plaintiffs Transatlantic Auto Group, Inc. and Bobr Export, Inc. (collectively, the “Plaintiffs”). The Unitrans defendants’ first motion for entry of default judgment was against third party defendants Alexandre Morozov and STS Group, Inc. (“STS Group”). The second motion was against third party defendant Bronislav Futerman, and codefendant Diamond Shipping Group, Inc. (“Diamond”). The Plaintiffs filed a letter also requesting judgment be entered in their favor against Diamond. (*See* Docket Entry 114.) No objections to the R & R have been filed, and, upon due consideration, the Report and the Recommendations contained therein are hereby adopted in their entirety.

¹ Familiarity with the R & R, as well as the procedural history and relevant facts of this case, is assumed. (*See generally* Docket Entry 123.)

Accordingly, it is hereby ORDERED that:

- (1) The Unitrans defendants' motion for default judgment against third party defendants STS Group and Alexandre Morozov, jointly and severally, is GRANTED for Counts 9 and 10 of the Third Party Complaint and DENIED for Count 1 of the Third Party Complaint.
- (2) The Clerk of the Court enter judgment in favor of the Unitrans defendants against third party defendants STS Group and Alexandre Morozov, jointly and severally, for Counts 9 and 10 of the Third Party Complaint in the amount of \$91,771, which consists of \$83,172 for Count 9 and \$8,599 for Count 10.
- (3) The Unitrans defendants' motion for default judgment against third party defendant Bronislav Futerman is GRANTED for Counts 2, 5 and 6 of the Third Party Complaint and DENIED for Counts 1, 3, 4 and 7 of the Third Party Complaint.
- (4) The Clerk of the Court enter judgment in favor of the Unitrans defendants against third party defendant Bronislav Futerman for Counts 2, 5 and 6 of the Third Party Complaint in the amounts of \$219,939.50.40, which consists of \$205,564.50 for Count 2, \$14,000 for Count 5, and \$375 for Count 6.
- (5) The Unitrans defendants' request for interest on the awarded damages is DENIED without prejudice at this time with instruction to clarify the inconsistencies in their interest calculations when renewing their application.

(6) The Plaintiffs' and the Unitrans defendants' motions for default judgment against defendant Diamond are DENIED without prejudice at this time because both parties failed to properly request and obtain an entry of default as to defendant Diamond.

SO ORDERED.

Dated: Brooklyn, New York
September 29, 2011

/s/

DORA L. IRIZARRY
United States District Judge